

Summary of HJR 46 Work Group Session Aug. 16, 2007

Updates/Discussions on Items Raised Previously

County Administration of School Elections

Lynda Brannon of the Montana Association of School Business Officials and Duane Winslow of the Secretary of State's Office presented results of quick surveys they had done of school clerks and county clerks and recorders, respectively.

Lynda noted that she received responses from about 95 school clerks, many of whom represent at least two school districts. The respondents overwhelmingly favored the idea of having the counties run school elections, although a number of questions and concerns were included in their responses. She said the concerns generally fell into one of four areas:

- School district boundaries, and how the election would be administered if a district's boundaries covered more than one county.
- Timing of the election, because of the need to renew teacher and staff contracts and generally set school budgets in May.
- Whether school elections would get "lost" in the existing clerk and recorder workload, when they're handling so many other elections and duties.
- Whether the costs of running the election would increase if the counties administered it.

Duane said 13 of the 42 county clerks and recorders who responded to his questions indicated they are already conducting some or all of the school elections in their counties. Twenty-one of the respondents initially said they would be willing to run school elections, while 19 were opposed to the idea. But when asked if their response would change if the school election and primary election were combined into one election, 14 of those 19 respondents said they would be willing to run the school election if it were combined into one election with the primary and all timelines for both types of elections were made consistent.

Work group members discussed a number of issues that would need to be considered in a change of this magnitude, including whether:

- A combined school/primary election would eliminate confusion for voters, who are not always sure about the timeframe for different types of elections. This may be an issue for permanent absentee voters in particular, because of the number of notifications and ballots they receive in the mail as elections come up.
- School elections would get lost in the shuffle, both in terms of administration of the elections and the attention they receive from voters.
- Turnout would increase if the two types of elections were combined.
- School clerks may be more willing to give their election duties away than county clerks and recorders are to take the job over.
- Special districts (such as fire or irrigation districts) would be affected by the change, since those elections are often held in conjunction with school elections.
- Schools could be adversely affected by factors not related to schools, such as voter discontent with the way local or state government is being run or with other ballot measures being presented to the voters.
- Costs to the schools would increase, particularly because counties have to use certain types of voting machines and follow all Title 13 laws while school districts can use less expensive voting methods – a factor for many districts with small numbers of voters.

Also, participants noted that school elections could become mail ballot elections if combined with another election; currently, the law prohibits mail ballot elections for school elections.

Because of the numerous issues involved, the work group agreed that the issue would need more discussion that involved a greater number of interested parties if it were to be pursued. Participants agreed that SAA should be made aware of the discussion and the idea and should provide direction on how it would like to proceed with the matter. Possible options for SAA consideration included:

- Determining whether the idea should be worked into the draft legislation to generally cleanup and clarify the election laws or whether it fell outside the scope of the HJR 46 directive.
- Asking that a presentation on the issue be scheduled for a SAA meeting, so the idea could be aired more fully.
- Considering whether the idea may be worthy of a study resolution in the 2009 Legislature, to allow for an extensive and thorough review of the matter before changes are made.

Review of Draft Language Addressing Issues Raised Previously

Participants reviewed and revised draft language involving general definitions and definitions specific to certain parts or sections of Title 13. Because another interim study is looking at local government special districts, Sue will coordinate some of the definitions involving “political subdivision” with the work that group is doing.

Title 13 Review by Chapter

Participants went through the remaining chapters of Title 13, discussing a number of questions and agreeing on several areas for cleanup and clarification. The areas addressed included:

- Reconciling the time frames and certain other requirements for late registration and absentee voting with those of mail balloting, to making them consistent.
- Clarifying the handling and counting of provisional and challenged ballots, to conform with rules adopted for those procedures.
- Clarifying accessibility standards for polling places.
- Requiring school election judges to be trained and certified in a manner similar to election judges who fall under Title 13.
- Allowing election judges to be younger than 18 years of age.
- Expanding the sources of information to be used for determining the benchmark performance standard for voting systems.
- Clarifying the procedure for registering as a permanent absentee voter.

Related Issues

Several issues came up during the work group session that participants agreed were important to elections, but perhaps outside the scope of the study resolution. They included:

- County administration of school elections and the possible combining of the school and primary elections, as discussed above.
- Funding and resource issues, including but not limited to the costs of late registration, obtaining and retaining election judges, the ongoing costs of implementing the requirements of the Help America Vote Act (HAVE), and the costs of running both regular polling place elections and absentee voter elections now that permanent absentee registration has expanded the number of voters who receive and cast ballots

by mail. Work group participants agreed to e-mail their funding and resource concerns and ideas to Sue, who will compile them for presentation to SAA to see how SAA would like to proceed with this issue.

- The possibility of holding elections on Saturday.
- Whether the state could or should require software source code when certifying a voting system.
- Whether the state should conduct random post-election audits of election results to verify the accuracy of the voting systems. Sue, Sara, Alan and Deb will continue to work on this issue.

Participants agreed that SAA should be made aware of these issues and provide direction on whether the committee wants to address any of them during the interim.

Next Meeting: The next meeting will be held from 9 a.m. to 3:30 p.m. on Thursday, Aug. 30, in Room 137 of the Capitol. Discussion at this meeting will focus primarily on mail ballot elections.

Participants

Beth Brennehan, Montana Advocacy Project
Jeanne-Marie Souvigny, Montana Conservation Voters
Rina Moore, Cascade County Clerk and Recorder
Deb Mart, Cascade County Clerk and Recorder's Office
Alan Miller, Secretary of State's Office
Lynda Brannon, Montana Association of School Business Officials
Bob Vogel, Montana School Boards Association
Joe Lamson, Office of Public Instruction
Janice Doggett, Secretary of State's Office
Duane Winslow, Secretary of State's Office/Yellowstone County
Joy Bruck, AARP
Sara Busey, League of Women Voters
Alysha Goheen Janotta, Montana Women Vote
Gwen Anderson, Browning Public Schools
Sheryl Wood, Montana Association of Counties (via phone)
Rep. Pat Ingraham (via phone)
Sue O'Connell, Legislative Services Division